

REMARKS**I. Status of the Application**

Claims 1-19 are pending in this application. In the December 6, 2006 office action, the Examiner:

- A. Objected to the Specification because the Abstract was too short;
- B. Allowed claims 16-17;
- C. Rejected claims 1 and 9-10 under 35 U.S.C. § 102(e) as being anticipated by US 7,006,445B1 to Cole et al. ("Cole");
- D. Rejected claim 11 under 35 U.S.C. § 112 as allegedly being indefinite;
- E. Rejected claim 1 under 35 U.S.C. § 112 as failing to comply with the enablement requirement;
- F. Objected to claims 18 and 19 for informalities; and
- G. Objected to claims 2-8 and 12-15 as being dependent upon a rejected base claim.

The allowance of claims 16-17 is gratefully acknowledged, as is the indication of allowability with respect to claims 2-8, 12-15, 18 and 19. In this response, applicants have amended claims 5, 15, 18 and 19 for formalistic purposes. Claim 1 has been amended to incorporate the limitations of claim 4, and is therefore in allowable form. Applicants have also amended the abstract.

II. The Objection to the Specification is Moot

The Examiner objected to the specification because the Abstract was too short. Applicants have amended the abstract, resulting in a significant increase in length. The abstract now includes over 50 words. It is therefore respectfully submitted that the objection to the specification is moot and should be withdrawn.

III. The Objections to Claim 18 and 19

The Examiner objected to claims 18 and 19 for informalities. Claims 18 and 19 have been amended as suggested by the Examiner in the December 6, 2006 office action. Specifically, the word "said" has been replaced with "that" on line 5 in claim 18 and on line 14 in claim 19 as suggested. It is therefore respectfully submitted that the objection to claims 18 and 19 should be withdrawn.

IV. The Indefiniteness Rejection of Claim 11

The Examiner rejected claim 11 as allegedly being indefinite. In particular, the Examiner alleged that the terms "the control unit" and "the topology determining mode" of claim 11 lacked a proper antecedent basis. In this amendment, claim 1 has been amended to recite a "control unit" and a "topology determining mode". Claim 11 depends indirectly from claim 1 as amended. As amended, claim 1 provides a sufficient antecedent basis for the terms "control unit" and "topology determining mode" of claim 11. It is therefore respectfully submitted that the indefiniteness rejection should be withdrawn.

V. The Enablement Rejection of Claim 1

Claim 1 stands rejected as allegedly failing to comply with the enablement requirement. Claim 1 has been amended to incorporate the limitations of claim 4. Claim 4 has been deemed allowable if rewritten in independent format. Because claim 1 represents claim 4 rewritten in independent format, it is respectfully submitted that the non-enablement rejection of claim 1 is moot and should be withdrawn.

Nevertheless, the following discussion is provided for the record.

Applicants respectfully traverse the rejection of claim 1 as allegedly failing to comply with the enablement requirement. The specification and drawings of the application as filed clearly enable one of ordinary skill in the art to practice the claimed invention. By way of non-limiting example, Figs. 2-4 and their accompanying description at pages 19-24 of the present application describe in extensive detail an enabling, non-limiting exemplary embodiment of the invention of claim 1. It is therefore respectfully submitted that the enablement rejection of claim 1 is in error.

To support the non-enablement rejection, the Examiner alleged that claim 1 recited a single means or step. (December 6, 2006 office action at p.3). Applicant respectfully traverses. Claim 1 does not contain any “means-plus-function” limitations, and does not include any claimed steps. The word “means” does not appear in the claims, and there is no use of the word “for”, as would normally be employed in a “means-plus-function” claim limitation under 35 U.S.C. § 112, paragraph six. Because claim 1 does not claim any “means” limitation, claim 1 cannot recite a *single* means, as alleged by the Examiner. Moreover, claim 1 is not a method claim and therefore cannot possibly recite a single step.

Nevertheless, the amendments to claim 1 render the rejection moot.

VI. The Prior Art Rejection of Claims 1, 9 and 10

Claim 1 stands rejected as allegedly being anticipated by Cole. As discussed above, claim 1 has been amended to incorporate the limitations of claim 4. Claim 4 has been deemed allowable if rewritten in independent format. Because claim 1 represents claim 4 rewritten in independent format, it is respectfully submitted that the anticipation rejection of claim 1 is moot and should be withdrawn.

Claims 9 and 10 also stand rejected as allegedly being anticipated by Cole. Claims 9 and 10 depend from and incorporate all of the limitations of claim 1. Accordingly, for at least the same reasons as those set forth above in connection with claim 1, it is respectfully submitted that the anticipation rejection of claims 9 and 10 should be withdrawn.

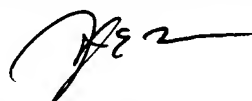
VII. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

March 6, 2007

Respectfully submitted,



Harold C. Moore
Attorney for Applicants
Attorney Registration No. 37,892
Maginot Moore & Beck
Chase Tower
111 Monument Circle, Suite 3250
Indianapolis, Indiana 46204-5109
Telephone: (317) 638-2922